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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ELENA DEL CAMPO, ET AL.,)

Plaintiffs,)

v.)

AMERICAN CORRECTIVE)
COUNSELING SERVICES, INC., ET AL.,)

Defendants.)

Case No.: C 01-21151 JW (PVT)

**ORDER VACATING MARCH 5, 2010
ORDER; ORDER SETTING FURTHER
BRIEFING SCHEDULE**

[Docket Nos. 849, 856]

On January 20, 2010, plaintiffs Christine Smith, Ashley Henderson, Lois Artz and Jana Sperling in an unrelated action, entitled *Christine Smith, et al. v. Levine Leichtman Partners, Inc., et al.*, Case No. 10-0010 JSW (N.D. Cal.), moved to intervene and to modify the January 3, 2007 stipulated protective order in the above-captioned action. *See* Plaintiffs' Motion to Intervene and to Modify the January 3, 2007 Stipulated Protective Order. (Docket No. 786).

On January 22, 2010, plaintiffs Elena del Campo, Ashorina Medina and Lisa Johnston's administrative motion to relate the two cases was denied. *See* Order Denying Administrative Motion to Relate Cases dated January 22, 2010. ("January 22, 2010 Order"). (Docket No. 793). In footnote 1 of the January 22, 2010 Order, the court noted that the parties had filed various other motions that were related to the administrative motion to relate cases and they were deemed moot. Plaintiffs' motion to intervene and to modify the January 3, 2007 stipulated protective order was

1 among the various other motions deemed moot. January 22, 2010 Order at 1.

2 On March 5, 2010, plaintiffs' motion to intervene and to modify the January 3, 2007
3 stipulated protective order was granted. *See* Order Granting Motion of Plaintiffs' in Unrelated Case
4 to Intervene and to Modify the January 3, 2007 Stipulated Protective Order dated March 5, 2010.
5 ("March 5, 2010 Order"). (Docket No. 846).

6 On March 8, 2010, non-party National Corrective Group, Inc. ("NCG") filed a notice of
7 discrepancy between the court's rulings on intervenors' motion to intervene and to modify the
8 January 3, 2007 stipulated protective order. *See* Docket No. 849. Specifically, non-party NCG
9 sought clarification as to whether the March 5, 2010 Order is void *ab initio* in light of the prior
10 January 22, 2010 Order. Alternatively, non-party NCG requested the opportunity to oppose
11 plaintiffs' motion to intervene and to modify the January 3, 2007 stipulated protective order.
12 Additionally, plaintiffs (in the above-captioned action) Elena del Campo, Ashorina Medina and Lisa
13 Johnston and plaintiffs Christine Smith, Ashley Henderson, Lois Artz and Jana Sperling (in the
14 unrelated action) moved the court to correct the clerical error in the January 22, 2010 Order that had
15 ruled that plaintiffs' motion to intervene and to modify the January 3, 2007 stipulated protective
16 order was moot. *See* Docket no. 856.

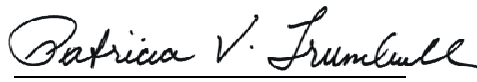
17 Based on a referral of this matter by the district court and having reviewed the papers,

18 IT IS HEREBY ORDERED that docket no. 786 is not moot. Based on the inconsistent
19 rulings, non-party NCG shall have an opportunity to oppose plaintiffs' motion to intervene and to
20 modify the January 3, 2007 stipulated protective order. Accordingly, the March 5, 2010 Order is
21 vacated.

22 Non-party NCG may file its opposition no later than April 2, 2010. Plaintiffs may file their
23 reply, if any, no later than April 16, 2010. Pursuant to Civ. L.R. 7-1(b), the motion is taken under
24 submission.

25 IT IS SO ORDERED.

26 Dated: March 15, 2010

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28 PATRICIA V. TRUMBULL
United States Magistrate Judge

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